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REMARKS

By this Amendment, Applicants have amended the claims to more clearly define their invention. In particular, Applicants have amended claims 3 and 29 to be in independent form by including therein all of the limitations of claim 2, from which claims 3 and 29 previously depended. Claims 7-9 have been amended to eliminate the alleged indefiniteness problems noted by the Examiner on page 2 of the Office Action. Applicants have also added claim 31 corresponding to claim 27 but reciting that the bulges are "for frictionally holding the frame in a profile tube." Claim 31 is supported by, e.g., the description at page 10, lines 1-5 and the paragraph bridging pages 10 and 11 of Applicants' specification.

Claims 7-9 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as their invention. The Examiner alleges certain phrases in claims 7-9 to lack antecedent basis and alleges that the negative limitation "non-positive fixing" is indefinite. Applicants traverse this rejection and request reconsideration thereof at least insofar as it applies to the claims as presently amended.

It is submitted claims 7-9 have been amended to eliminate any antecedent basis problems. With respect to the phrase "non-positive fixing," this phrase has been amended to read "non-positive connection." It is submitted the phrase "non-positive connection" is not indefinite. In the first place, a negative limitation is not inherently ambiguous or indefinite. Manual of Patent Examining Procedure (MPEP) 2173.05(i). Moreover, the phrase "non-positive" generally and, specifically, "non-positive connection," appear in claims of numerous issued U.S. patents. See the attached

printouts of searches of the USPTO PATENT FULL-TEXT AND IMAGE DATABASE showing at least 65 U.S. patents including the phrase "non-positive" used to describe a connection or fitting. Since Patent and Trademark Office is presumed to issue valid patents, these patents are evidence that the phrase "non-positive connection" is not indefinite.

For the foregoing reasons, reconsideration and withdrawal of the rejection of claims 7-9 under 35 U.S.C. 112, second paragraph, are requested.

Claims 2-5, 7, 11, 21 and 22 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by FR 2,826,829 (FR '829). Claims 8-10, 12 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over FR '829. Applicants traverse these rejections and request reconsideration thereof.

The rejected claims relate to a device for receiving PTC elements in a heating device, having an insulating frame and at least one contact plate held in the insulating frame and on which can be placed the PTC elements. According to the rejected claims, the contact plate is molded in the frame.

FR '829 discloses a heat exchanger for motor vehicle air conditioning that has heating bars 10 seated in tubes 18 of conductive material. The heating bar has an electrode 14 extending along the tube and an electrical insulation 12 positioned between the electrode and the tube. Electrical resistances 16 are seated in the tubes. The resistances are mutually spaced longitudinally in the tubes using separators 15. FR '829 does not disclose, however, that the electrode 14 is molded in the bar 10 or electrical insulation 12.

In the Office Action, however, it is alleged that, referring to Figure 6, the electrode

14 (which the Examiner identifies as the contact plate) and the electrical insulation 12 (which the Examiner identifies as the frame) are capable of being formed by molding and, hence, meet the claim. However, whether or not the electrical insulation 12 is capable of being formed by molding is irrelevant. What is relevant is that FR '829 does not disclose a contact plate molded in the frame, i.e., an electrode 14 molded in electrical insulation 12. Even assuming, arguendo, it is possible to mold electrode 14 in electrical insulation 12, there is no apparent reason why one of ordinary skill in the art would do so.

To the contrary, electrode 14 and electrical insulation 12 are not disclosed to be molded together as an assembly in FR '829. Rather, it appears the frame 12 is molded itself, i.e., without the electrode 14, as the undersigned has been advised that the paragraph bridging pages 5 and 6 of FR '829 discloses that the electrical insulation 12 "is realized in plastics for example by molding." On the other hand, concerning the electrode 14, the second paragraph on page 6 of FR '829 states that the electrode "is put in the passage 11 [labeled in Figure 1] over the whole length of it in contact with the inner face of the bottom wall 12a." The undersigned has been advised that, in all other embodiments of this document, there is no hint that the frame 12 and the electrode 14 are molded together since FR '829 speaks about combining both parts, i.e., that the electrode 14 is put in the frame 12.

Accordingly, it is submitted FR '829 not only does not disclose that the contact plate is molded in the frame, but actually teaches away from doing so. Accordingly, claims 2-5, 7-13, 21 and 22 are patentable over FR '829.

Moreover, with respect to now independent claim 3, FR '829 does not disclose

that the contact plate is completely and tightly surrounded by the frame. For example, as shown in the figures of FR '829 (see, e.g., Figures 1 and 3), the electrode 14 is spaced a distance from the parts 17B, 17C and 15 of the electrical insulation 12. Therefore, the electrode 14 is not tightly surrounded by the electrical insulation 12. Accordingly, claim 3 is patentable over FR '829 for this additional reason.

Applicants note the indication that claims 6 and 19 are allowable and that claim 29 would be allowable if rewritten in independent form.

In view of the foregoing amendments and remarks, it is submitted all of the claims now in the application are in condition for allowance.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 321.43756X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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ACLM/"non-positive connection\$"

- | PAT.
NO. | Title |
|--------------|--|
| 1 7,168,217 | T <u>Interconnectable panel system and method of panel interconnection</u> |
| 2 7,121,359 | T <u>Drilling hammer having an external mechanism for selectively switching operation between impact drilling and chiseling modes</u> |
| 3 7,049,213 | T <u>Method for producing a contact substrate and corresponding contact substrate</u> |
| 4 6,994,197 | T <u>Clutch element for a unit driven via a drive shaft</u> |
| 5 6,964,801 | T <u>Method for producing a heat shield and heat shield produced by this method</u> |
| 6 6,947,523 | T <u>X-ray radiator</u> |
| 7 6,857,811 | T <u>Ball and socket joint for motor vehicles</u> |
| 8 6,851,494 | T <u>Crawler running gear</u> |
| 9 6,810,551 | T <u>Brush, especially toothbrush</u> |
| 10 6,776,016 | T <u>Device for starting a motor vehicle motor, using an electronic key</u> |
| 11 6,732,694 | T <u>Starting device for a twin cylinder internal combustion engine in a v-format</u> |
| 12 6,725,857 | T <u>Dispenser for media</u> |
| 13 6,722,907 | T <u>Device for connecting components with various electrical potentials and subject to vibration</u> |
| 14 6,670,549 | T <u>Electronic module</u> |
| 15 6,657,162 | T <u>Burner head of an electric arc welding or cutting burner with contact nozzle supported in positive fit</u> |
| 16 6,609,611 | T <u>Device for conveying insulating glass panes</u> |
| 17 6,601,270 | T <u>Fitting for a window or door</u> |
| 18 6,575,309 | T <u>Filter for fluids</u> |
| 19 6,558,397 | T <u>Device for removal of calculi</u> |
| 20 6,523,230 | T <u>Coupling for corrugated flexible hose</u> |

- 21 6,457,897 **T** Variable-length connecting element
- 22 6,427,878 **T** Apparatus for the discharge of an atomized liquid medium in partial strokes of different length
- 23 6,406,211 **T** Connecting device for a bearing arm
- 24 6,367,350 **T** Method and apparatus for stroke transmission
- 25 6,305,721 **T** Plug-in coupling for pressure application systems
- 26 6,224,002 **T** Fuel injection valve
- 27 6,179,109 **T** Conveyor device for shelf channels in shelf-storage systems
- 28 6,158,558 **T** Electromechanical disc brake
- 29 6,148,981 **T** Drive system for the transmission of power from a power source to a plurality of output trains
- 30 6,085,477 **T** Method and kit for producing structural parts and complete structural members using interconnected structural elements, and arrangement for interconnecting the structural elements
- 31 6,068,196 **T** Expansion joint for part of a railway track
- 32 6,045,287 **T** Connecting device of a bearing bar
- 33 6,012,998 **T** Modular pulley for continuously variable transmission
- 34 5,839,280 **T** Fluid-mechanical actuator having a piston with two sections
- 35 5,823,026 **T** Locking device for a door
- 36 5,787,662 **T** Constructional element for glazing building structures
- 37 5,733,218 **T** Flywheel having two centrifugal masses and a torsional vibration damper with gear train elements which can be adjusted as a function of load
- 38 5,683,787 **T** Multilayered elastic sheet structure and process for producing a multilayered elastic sheet structure
- 39 5,662,542 **T** Actuating drive having a spring return feature
- 40 5,641,033 **T** Hydraulic power steering system
- 41 5,461,957 **T** Cold meat slicer
- 42 5,315,080 **T** Limit switching apparatus with defined overtravel for specimen protection on microscopes with motorized focusing drive
- 43 5,289,887 **T** Method of operating an earth boring machine
- 44 5,228,732 **T** Assembly head for handling devices
- 45 4,846,759 **T** Device for reducing engine-excited vibrations of a drive train, especially a split flywheel
- 46 4,698,898 **T** Machine tool with tool changing device
- 47 4,615,258 **T** Drive device operated by a pressure fluid

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ACLM/"non-positive fit\$": 18 patents.

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NO. Title

- 1 [7,235,007](#) **T** [Divided grinding tool](#)
- 2 [7,182,367](#) **T** [Arrangement of a motor on a support winch](#)
- 3 [7,028,516](#) **T** [Vehicle door closure](#)
- 4 [6,958,555](#) **T** [Method for producing an encased rotor of a permanent magnet](#)
- 5 [6,819,987](#) **T** [Method for early recognition of abnormal occurrences in the operation of automatic or automated gearboxes](#)
- 6 [6,706,056](#) **T** [Medical, especially surgical, instrument](#)
- 7 [6,655,295](#) **T** [Small-calibre deformation projectile and method for the manufacture thereof](#)
- 8 [6,648,696](#) **T** [Plug-in connection system having contact paths fixed in an insulation body](#)
- 9 [6,640,823](#) **T** [Fitting](#)
- 10 [6,629,810](#) **T** [Protecting cap](#)
- 11 [6,623,502](#) **T** [Guide rod for tube shank instruments to be introduced into a body cavity](#)
- 12 [6,596,962](#) **T** [Process and device for joining of workpiece parts by means of an energy beam, in particular by means of a laser beam](#)
- 13 [6,595,352](#) **T** [Container for receiving a filling product and a method for its manufacture](#)
- 14 [6,458,077](#) **T** [Medical instrument, in particular a rectoscope](#)
- 15 [6,421,919](#) **T** [Setting device](#)
- 16 [6,327,964](#) **T** [Reciprocating pump](#)
- 17 [6,305,665](#) **T** [Bellows for sealing a valve rod passage in a globe valve](#)
- 18 [5,579,211](#) **T** [Relay with a plug adaptor system and method for manufacturing same](#)

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